

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA )  
                                )  
                                )  
v.                            ) CR. NO. 3:05cr141-F  
                                )  
ROY TERRY                   )

**MOTION TO CONTINUE SENTENCING**

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and as grounds for this Motion, states as follows:

1. Sentencing for the above referenced defendant is presently scheduled for October 13, 2005, before the Honorable Mark E. Fuller.
2. The Probation Office has advised that this case has become very complicated in relation to "amount of loss" and restitution issues. Among other matters, there is an adversary proceeding case (Alexander, III (Trustee in Bankruptcy) v. Albright, et al, Case No. 05-03050, U.S. Bankruptcy Court for the Middle District of Alabama), in which the trustee is seeking payments in excess of two million dollars from company shareholders as a voidable preference. Some of these same shareholders are also victims in the instant criminal case.
3. Given these complications, the Probation Office has requested a continuance until January 16, 2006.
4. Defense counsel for Mr. Terry has been contacted and has no objection to a continuance.

Based upon the above stated reasons, the United States respectfully requests a continuance in the sentencing of this case.

Respectfully submitted this the 6th day of October, 2005.

LEURA GARRETT CANARY  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: George L. Beck, Jr., Esq.

Respectfully submitted,

/s/Andrew O. Schiff  
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